

AMENDED IN ASSEMBLY MAY 9, 2011

AMENDED IN ASSEMBLY APRIL 12, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 636

Introduced by Assembly Member Knight

February 16, 2011

An act to amend Section 824 of the Military and Veterans Code, relating to military service.

LEGISLATIVE COUNSEL'S DIGEST

AB 636, as amended, Knight. Military service: benefits.

Existing law provides certain protections for members of the National Guard ordered into active state service by the Governor or active federal service by the President of the United States for emergency purposes, and for reservists called to active duty, as specified, including requiring that specified institutions that grant a student a military leave of absence make arrangements to reasonably accommodate and assist the student in meeting coursework requirements missed due to military service, credit the student's tuition and fee charges toward a subsequent academic term, or grant a refund of tuition and fees paid by the student for the academic term provided the student withdraws from the institution by a specified date, at the student's election.

This bill would revise the conditions for a tuition and fees refund to remove the requirement of the student's withdrawal by a specified date. The bill would also require any ~~credit refund~~ toward a subsequent academic term to be equal to 100% of the tuition and fees paid to the institution for the ~~current academic term, rather than 100% of the cost of the missed academic term~~ *subsequent academic term in which the*

student was required to report for military service, and would provide that the subsequent term not be less than or exceed the missed term. The bill would also provide that the student must use the credit within 3 years after being released from military service, or on request, receive a refund of the amount paid. The bill would also provide that if an accommodation cannot be reached, the institution must refund tuition and funds, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 824 of the Military and Veterans Code
2 is amended to read:
3 824. (a) If requested by a student granted an academic leave
4 of absence for military service, not later than one year after the
5 student's release from military service, other than a dishonorable
6 release, the institution in which the student is enrolled shall do one
7 of the following, as elected by the student:
8 (1) (A) The institution shall make arrangements to reasonably
9 accommodate and assist the student so that he or she is able to
10 meet any and all coursework requirements that he or she may have
11 missed due to military service.
12 (2) ~~(A) The institution shall credit tuition and fee charges~~
13 ~~toward a subsequent academic term in an amount that is equal to~~
14 ~~100 percent of the tuition and fees paid to the institution for the~~
15 ~~academic term in which the student was required to report for~~
16 ~~military service, and the term credited shall not be less than, or~~
17 ~~exceed, the original term.~~
18 ~~(B) The student must use the credit within three years after being~~
19 ~~released from military service or, upon request, receive a refund~~
20 ~~of the amount paid.~~
21 (3) ~~The institution shall refund tuition and fees paid for the~~
22 ~~academic term in which the student is required to report for military~~
23 ~~service. The refund shall equal 100 percent of the tuition and fee~~
24 ~~charges the student paid the institution for the academic term.~~
25 (B) *If an accommodation cannot be reached, the institution shall*
26 *refund tuition and fees paid for the academic term in which the*
27 *student is required to report for military service. The refund shall*

1 *equal 100 percent of the tuition and fee charges the student paid*
2 *the institution for the academic term.*

3 (2) *The institution shall refund tuition and fee charges in an*
4 *amount that is equal to 100 percent of what the student paid the*
5 *institution for the subsequent academic term in which the student*
6 *was required to report for military service.*

7 (b) If requested by a student granted an academic leave of
8 absence for military service, not later than one year after the
9 student's release from military service, other than a dishonorable
10 release, the institution shall restore the student to the educational
11 status the student had attained prior to being called to military
12 service without loss of academic credits earned, scholarships or
13 grants awarded, or tuition and other fees paid prior to the
14 commencement of military service.

15 (c) If an institution fails to comply with this section, the student
16 may bring an action against the institution to enforce its provisions
17 in any court of competent jurisdiction of the county in which the
18 student resides. If the student resides outside of this state, the action
19 shall be brought in the court of the county in which the campus of
20 the institution previously attended by the student is located. The
21 court may award reasonable attorney's fees and expenses if the
22 student prevails in the action.

23 (d) The Legislature hereby requests that the University of
24 California adopt policies similar to those set forth in this section.

25 (e) For purposes of this section, "institution" includes any public
26 postsecondary educational institution and any private postsecondary
27 educational institution, as defined in Section 94858 of the
28 Education Code.